

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 13, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

THOMAS WILLIAM SINCLAIR
RICHEY,

Plaintiff,

v.

GRIEVANCE COORDINATOR
DUNCAN,

Defendant.

NO: 2:23-cv-00018-RMP

ORDER DISMISSING ACTION FOR
FAILURE TO COMPLY WITH
FILING FEE REQUIREMENTS

By Order filed February 23, 2023, the Court directed Plaintiff Thomas William Sinclair Richey, a *pro se* prisoner at the Airway Heights Corrections Center, to submit a completed application to proceed *in forma pauperis* and to submit a certified copy of his six-month inmate trust account statement (or institutional equivalent) for the period immediately preceding January 18, 2023 within thirty days of the date of that Order. ECF No. 4 at 23. In the alternative, Plaintiff was advised that he could pay the full \$402.00 filing fee. *Id.* Plaintiff was cautioned that his failure to do so would result in the dismissal of this case. *Id.*

ORDER DISMISSING ACTION FOR FAILURE TO COMPLY WITH FILING
FEE REQUIREMENTS -- 1

1 Plaintiff has neither paid the filing fee nor returned the application to proceed *in*
2 *forma pauperis* along with his six-month inmate trust account statement (or
3 institutional equivalent) by the due date of March 27, 2023.

4 Parties filing actions in the United States District Court are required to pay
5 filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate
6 payment of a filing fee only upon granting of *in forma pauperis* status. *See* 28
7 U.S.C. § 1915. Failure to pay the statutory filing fee will result in dismissal of
8 these actions without prejudice. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th
9 Cir. 1995) (district court has authority to dismiss without prejudice prisoner
10 complaint for failure to pay partial filing fee); *In re Perroton*, 958 F.2d 889, 890
11 (9th Cir. 1992) (affirming dismissal of appeal of *pro se* litigant for failure to pay
12 required filing fees).

13 Accordingly, **IT IS ORDERED** that this action is **DISMISSED** without
14 prejudice for failing to pay the filing fee or filing a properly completed Application
15 to Proceed *In Forma Pauperis* pursuant to 28 U.S.C. §§ 1914(a) and 1915(a).

16 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
17 Order, enter judgment, forward copies to Plaintiff at the address provided, and
18 **CLOSE** the file.

19 **DATED** April 13, 2023.

20 s/ Rosanna Malouf Peterson
21 ROSANNA MALOUF PETERSON
Senior United States District Judge